



Competitive Grant Announcement

**Awards for Developing, Implementing, Enhancing,
and Operating Tribal Courts**

Submission Deadline: May 25, 2001

BJA **Bureau of Justice Assistance**
Office of Justice Programs ■ U.S. Department of Justice

About DOJ

The Office of Justice Programs (OJP), U.S. Department of Justice, administers more than \$100 million in programs directed specifically toward American Indian and Alaskan Native tribes. These programs assist tribal governments in addressing significant crime issues and improving the quality of life in their tribal communities. The Bureau of Justice Assistance (BJA), a component of OJP, supports innovative programs that strengthen the nation's criminal justice system. Its primary mission is to provide leadership and a wide range of assistance to local criminal justice strategies to make America's communities safer. Included in these programs are efforts to provide funding, training, technical assistance, and information to tribal governments and emphasize the coordination of federal, state, local, and tribal efforts.

Another key component within the U.S. Department of Justice is the Office of Tribal Justice (OTJ). Established in January 1995, OTJ's primary mission is to coordinate tribal issues within the Department and foster partnerships with other federal agencies. Intended to increase the responsiveness of the Department to Indian tribes and American Indian citizens, the Office of Tribal Justice has ensured better communication by serving as a permanent point of contact between the Department and federally recognized Indian tribes.

Background

The Department of Justice's Policy on Indian Sovereignty and Government-to-Government Relations explains: "the Department will . . . support and assist Indian tribes in the development of their law enforcement systems, tribal courts, and traditional justice systems."¹ Tribal courts have jurisdiction over crimes by Indians in Indian country.² Tribal courts also have jurisdiction over civil cases involving Indians and non-Indians, such as domestic relations, probate, torts, housing, debt collection, commercial activities on Indian lands, management of Indian lands and natural resources, and other matters.³ Under the federal policy supporting Indian self-determination, tribal courts have been rapidly expanding to serve tribal communities. The U.S. Commission on Civil Rights states that in 1978 there were "71 tribal courts, 32 CFR courts, and 16 traditional courts."⁴ Today, there are more than 250 tribal courts and intertribal court systems.

In fiscal year 1999, Congress appropriated \$89million to the Department of Justice in support of the Indian Country Law Enforcement Initiative, including \$5 million for the development and enhancement of tribal courts. The infusion of funding pursuant to the Initiative for fiscal years 1999 and 2000 was primarily directed toward tribal law enforcement personnel and equipment and detention facilities. As a result, the

1. 61 Fed. Reg. 29424 (1996).

2. Indian Civil Rights Act, 25 U.S.C. § 1302 ("powers of self-government' . . . includes all governmental powers possessed by an Indian tribe, executive, legislative and judicial, [including] the inherent power of Indian tribes to . . . exercise criminal jurisdiction over all Indians").

3. See e.g., Fisher v. District Court, 424 U.S. 382 (1976) (domestic relations); United States v. Quiver, 241 U.S. 602, 603 (1916) (same); cf. John v. Baker, 982 P.2d 738 (AK 1999) (Although Alaska Native Claims Settlement Act lands are not "Indian country," Alaska Native villages have jurisdiction over Indian child custody cases); 25 U.S.C. § 1901 (Indian Child Welfare); 25 U.S.C. § 2205 (Probate); Gesinger v. Gesinger, 531 N.W. 2d 17 (SD 1995) (tort action); Northwest Production Credit Ass'n v. Smith, 784 F.2d 323 (8th Cir. 1986) (housing); Williams v. Lee, 358 U.S. 217 (1959) (commercial transactions); Montana v. EPA, 137 F.3d 1135 (9th Cir.) cert. denied, 521 U.S. 921 (1998) (environmental regulation).

4. U.S. Commission on Civil Rights, The Indian Civil Rights Act (1991) at 29.

already overburdened tribal courts have been further taxed by the increased criminal caseload generated by improved police and investigative services.

BJA Tribal Courts Program Announcement

BJA announces, as part of the Department of Justice's Indian Country Law Enforcement Initiative, the availability of grants to support the development, implementation, enhancement, and continuing operation of tribal judicial systems. All grants will be awarded competitively.

BJA issued the first solicitation announcement in fiscal year 1999 seeking concept papers from tribal communities to plan, enhance, and continue tribal judicial systems. More than 180 concept papers were submitted in response to that solicitation. BJA selected a total of 76 applicants: 46 tribal communities to develop single or intertribal court systems, 15 tribal communities to implement small enhancement initiatives, and 15 tribal communities to implement large enhancement initiatives.

In addition to direct funding to tribal governments for planning and enhancements, BJA emphasizes the delivery of technical assistance and training for tribal judicial systems. An extensive training and technical assistance program is available to serve tribal court grantees as well as all tribal judicial systems.

What This Solicitation Seeks

Concept papers are solicited in the following two categories: (1) development of tribal courts, and (2) implementation, enhancement, and continuing operation of tribal courts. A tribal government may submit a concept paper in only *one* category. If more than one concept paper is submitted by a tribal government, all concept papers from that tribe will be removed from the review process.

I. Development of Tribal Court Planning Grants

Tribes without a tribal judicial system and without a comprehensive plan to implement a tribal judicial system are encouraged to submit a concept paper for a Development of Tribal Court Planning Grant. Grants in this category will help tribal governments without tribal judicial systems develop a strategy and implementation plan. Planning grants are limited in scope and will not necessarily lead to federal funding to implement the courts.

All recipients must participate in tribal court planning seminars facilitated by BJA and a technical assistance provider. Tribes must establish a development team that will attend all tribal court planning sessions. Training sessions will be held at locations determined by BJA.

Tribal governments applying for planning grants are invited to apply under *one* of the following two categories:

1. *Development of Single-Tribe Court Systems.*
Single tribal communities with a service population **equal to or exceeding 1,000 persons** will use the planning grant to facilitate the development of a tribal court system designed to meet the needs of that one tribal community.
2. *Development of Inter-Tribal Court Systems.*
Planning grants will facilitate the development of intertribal court systems designed to meet the needs of more than one tribe in the same geographic region. Tribal governments serving a population of **less than 1,000 persons** must join with one or more other tribal governments to form an intertribal court system. Generally, one tribal government should serve as the applicant to develop an intertribal court system. An intertribal consortium may only apply as an agent for its member tribes to operate an intertribal court system if it is a tribal organization, 25 U.S.C. § 450b(1), and it has written authorization from its member tribes to provide such a service. The remaining tribal governments are required to submit written authorization to confirm their participation in this program.

II. Implementation, Enhancement, and Continuing Operation of Tribal Courts

Grants in this category will be made for the implementation, enhancement, and continuing operation of tribal courts. Initiatives under this program may include, but are not limited to, establishing a core structure for a tribal court, improving case management, training court personnel, acquiring additional equipment, enhancing prosecution and indigent defense, supporting probation diversion and alternative sentencing programs, accessing services, focusing on juvenile services and multidisciplinary protocols for child physical and sexual abuse and for structuring intertribal and appellate systems.

All recipients must participate in training workshops facilitated by BJA and a technical assistance provider. Training sessions will be held at locations determined by BJA.

In order to provide the most equitable competition among tribal governments that have similar proposals, five categories of grants are being offered. Tribal governments are invited to apply under only *one* of the following categories:

1. *Tier I: Implementation, Enhancement, and Continuing Operation Initiatives.* Tribal governments implementing or enhancing existing tribal courts serving **1,000** persons or fewer may submit proposals for up to \$60,000. **Priority will be given to those tribal governments proposing the implementation, enhancement, and continuing operations of intertribal courts.**
2. *Tier II: Implementation, Enhancement, and Continuing Operation Initiatives.* Tribal governments implementing or enhancing existing tribal courts serving a population of **more than 1,000 and not more than 5,000** may submit proposals for up to \$120,000.
3. *Tier III: Implementation, Enhancement, and Continuing Operation Initiatives.* Tribal governments implementing or enhancing existing tribal courts serving a population of **more than 5,000 and not more than 10,000** may submit proposals for up to \$220,000.
4. *Tier IV: Implementation, Enhancement, and Continuing Operation Initiatives.* Tribal governments implementing or enhancing existing tribal courts serving a population of **more than 10,000 and not more than 20,000** may submit proposals for up to \$300,000.
5. *Tier V: Implementation, Enhancement, and Continuing Operation Initiatives.* Tribal governments implementing or enhancing existing tribal courts serving a population of **more than 20,000** may submit proposals for up to \$400,000.

The Total Indian Resident Service Population, found in the U.S. Department of the Interior Bureau of Indian Affairs' (BIA), 1999 Labor Market Information on the Indian Labor Force, will be used in determining eligibility for grants in Tiers I–V. This document may be accessed from the Bureau of Indian Affairs (BIA) from either the Web site (www.doi.gov/bureau-indian-affairs.html) or from your appropriate BIA Regional Office.

Who Is Eligible

Applicants are limited to federally recognized tribal governments, including Alaska Native villages and corporations, and authorized intertribal consortia. See 25 U.S.C. § 450b(e).

Amount and Length of Awards

The proposal should include a request for funding within the following guidelines.

- **Development of Tribal Court Planning Grants:** Awards will not exceed \$50,000 per award. The grant period will be up to 12 months. BJA will determine the number of awards based upon the submissions received.

For all planning grants, **\$15,000** will be allocated for travel to BJA-sponsored training workshops and BJA-approved site visits to existing tribal court systems. Personnel and fringe benefit costs shall not exceed **\$20,000** under the grant. Remaining grant funds may be used for the purchase of computing equipment (including software and peripherals) to access technical assistance and training resources through the

Internet, to assist in data collection and analysis, to prepare the strategy to implement the newly created tribal court system, and for approved indirect costs that may be charged by the tribal government.

– **Implementation, Enhancement, and Continuing Operation of Tribal Court Grants**

Tier I. Awards will not exceed \$60,000 per award. The grant period will be up to 18 months. BJA will determine the number of awards based upon the submissions received.

Tier II. Awards will not exceed \$120,000 per award. The grant period will be up to 18 months. BJA will determine the number of awards based upon the submissions received.

Tier III. Awards will not exceed \$220,000 per award. The grant period will be up to 18 months. BJA will determine the number of awards based upon the submissions received.

Tier IV. Awards will not exceed \$300,000 per award. The grant period will be up to 18 months. BJA will determine the number of awards based upon the submissions received.

Tier V. Awards will not exceed \$400,000 per award. The grant period will be up to 18 months. BJA will determine the number of awards based upon the submissions received.

Grantees will allocate **\$15,000** from the grant funds for travel to BJA-sponsored training workshops/conferences. Grantees may not allocate more than **50 percent of any award for salaries and fringe benefits.**

Concept papers should include a brief paragraph indicating whether or not the proposed effort will include any building renovation, construction

activities, or a change in the use of an existing building, irrespective of the possible source(s) of funding for such renovation, construction, or change in usage. If any of these activities may be involved, at the time of application, the applicant will need to submit, at a minimum, environmental information regarding both the flood plain status of the affected property and any possible impacts to historic and archeological resources. For either new construction or any controversial work, the applicant will be requested to prepare an environmental assessment as part of the application and assist BJA in completing any public review of the assessment.

Administrative Requirements

To be considered for funding

- Applicants must follow the format described under Selection Criteria in the sequence shown.
- Applications shall not exceed 10 pages (not including cover page and attachments that reflect authorization of tribes to participate in an intertribal consortium).
- Applicants must submit their concept paper on 8½- by 11-inch paper, double spaced on one side, in standard 10- or 12-point fonts.
- Applicants must submit **6 copies** of their concept paper.
- For intertribal court systems, applicants must identify one tribe as the applicant and include written authorization from all participating tribes. Alternatively, an intertribal consortium may apply, provided that it is a tribal organization and it has written authorization to act on behalf of its member tribes for the purposes of the grant.

Selection Criteria: Development of Tribal Court Planning Grants

STOP

Tribal governments without a functioning tribal court or without a comprehensive plan to establish a tribal court are encouraged to submit concept papers for Development of Tribal Courts Planning. Tribal government(s) must answer the following questions in the order below. Papers not following this format will be removed from the review process. If selected, applicants will be required to complete an Application for Federal Assistance.

- On your submission cover page (see attached), indicate whether you are applying for a single-tribe or intertribal grant. If you are applying for an intertribal grant, list all tribes that will participate and include written authorization from each tribe.
- Identify the caseload/offenses the tribal court will address. Tribes are encouraged to include information about violent crimes, domestic violence, child welfare, juvenile offenses, alcohol and substance abuse, and other priority crimes/issues that arise or are committed within the jurisdictional territory of the tribal government. (20 points)
- Describe how caseloads/offenses the proposed project will address are currently handled. (20 points)
- Describe who will make up your development team. If you are applying for an intertribal court planning grant, a minimum of one and maximum of three persons from each tribe involved in the intertribal court system **must** be members of the development team. Development team members must attend all training seminars. Include a discussion on how you will involve the community to be served in the planning for the tribal court. (20 points)
- Describe how the court will improve the quality of justice and outcomes of these cases. (10 points)

- Identify all existing resources the court will access in order to adjudicate cases. Examples are prosecution, defense, record keeping, detention space, probation services, restitution programs, fine collection, and drug/alcohol treatment. (10 points)
- Describe how you will sustain your tribal judicial system after the award period ends. (10 points)
- Identify the tribal members the court will serve and the geographic area it will cover. (10 points)

Selection Criteria: Implementation, Enhancement, and Continuing Operation of Tribal Courts

STOP

Tribal governments desiring to implement their tribal court or enhance operations of existing tribal courts may submit a concept paper based on the population being served by the court. Tribal governments submitting concept papers under this part must answer the following questions in the order below. Concept papers not following this format will be removed from the review process. If selected, applicants will be required to complete an Application for Federal Assistance.

- On your submission cover page (see attached), indicate the tier under which you are applying for funds.
- Identify the problem(s) your proposal addresses. In doing so, identify and discuss the caseload/offenses that the proposed project of the tribal court will address. Tribes are encouraged to include information about violent crimes, domestic violence, child welfare, juvenile offenses, alcohol and substance abuse, and other priority crimes/issues that arise or are committed within the jurisdictional territory of the tribal government. (20 points)

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- Describe what you are proposing to do and your plans to accomplish it. If the tribal government is implementing a court for the first time, a comprehensive plan must be attached to the concept paper that details the authority, purpose, structure, and operation of the proposed court. (30 points)
 - Describe your strategy to collaborate with other tribal and/or nontribal agencies. Discuss who your partners will be, what role they will play, and whether these partnerships will be new. Include how you plan to involve or engage the communities in the implementation of the initiative(s). Partnerships or consortia with other tribal, nontribal, and community-based groups are strongly encouraged. (20 points)
 - Describe the current operation of your tribal court. Include current funding, caseload, staffing, and services. If the tribal court is newly created, discuss the proposed structure and jurisdiction of the court and identify the projected caseload, staffing, and services. (10 points)
 - Briefly describe the costs associated with the initiative as well as the cost benefits to be derived. (10 points)
 - Describe how you will sustain the tribal court initiative after the award period ends. (10 points)

Technical Assistance

Through this program, a variety of training and technical assistance opportunities will be available to all tribal court grantees. Onsite and offsite training and technical assistance will be available for grantees to provide assistance in the development and enhancement of single-tribe and intertribal court systems. Technical assistance will also be available to help grantees develop program goals and measure how well these goals are being met.

Deadline and Submission

Six copies of your concept paper must be POSTMARKED no later than **May 25, 2001**. Concept papers postmarked after the deadline will not be considered. BJA will not grant extensions of the deadline nor accept faxed submissions. Concept papers should be mailed or delivered to:

Bureau of Justice Assistance
Attention: BJA Control Desk
5640 Nicholson Lane, Suite 300
Rockville, MD 20852

For More Information

The staff of the U.S. Department of Justice Response Center is available at 1-800-421-6770 to answer questions about this solicitation. Applicants will receive a postcard acknowledging BJA's receipt of their concept paper 4 to 6 weeks after the submission deadline. For general information about BJA programs and training and technical assistance, contact the BJA Clearinghouse at 1-800-688-4252 or access the BJA home page at www.ojp.usdoj.gov/BJA.

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Tribal Courts Submission Cover Page

All applicants must use this page as the cover for their submission.

Type of Grant:

Service Population: _____

I. Development of Tribal Court

" Single-Tribe Court System

" Inter-Tribal Court System (written authorization of participating tribes attached)

II. Establishment, Enhancement, and Continuing Operation of Tribal Court

" Tier I

" Tier IV

" Tier II

" Tier V

" Tier III

Name of Applying Agency

Address of Applying Agency

**Applicant Unit of Government
(e.g., tribal)**

Point of Contact

Contact Telephone Number

Contact Fax Number

Contact Internet Address
